



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**MAYOR**

MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

PLANNING DIVISION

**ZONING BOARD OF APPEALS MEMBERS**

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ELAINE SEVERINO  
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**Case #: ZBA 2016-28**  
**Site: 120 Central Street**  
**Date of Decision: May 4, 2016**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: May 12, 2016**

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**ZBA DECISION**

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<b>Applicant Name:</b>	John Murphy
<b>Applicant Address:</b>	69 Columbus Avenue, Somerville, MA 02143
<b>Property Owner Name:</b>	120 Central Street, LLC
<b>Property Owner Address:</b>	69 Columbus Avenue, Somerville, MA 02143
<b>Agent Name:</b>	N/A

<u>Legal Notice:</u>	Applicant, John Murphy, and Owner, 120 Central Street, LLC, seek a Special Permit under SZO §4.4.1 to alter a non-conforming structure by changing the existing hip roof at the rear of the property to a Mansard, add a bedroom and bath to one of the units and add rear decks to the second and third floor.
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<u>Zoning District/Ward:</u>	RA zone/Ward 5
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	March 1, 2016
<u>Date(s) of Public Hearing:</u>	4/6, 4/20 & 5/4/16
<u>Date of Decision:</u>	May 4, 2016
<u>Vote:</u>	5-0

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Appeal #ZBA 2016-28 was opened before the Zoning Board of Appeals at Somerville City Hall on April 6, 2016. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one hearing of deliberation, the Zoning Board of Appeals took a vote.



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**DESCRIPTION:**

The proposal includes raising the roofline of the existing two-story rear addition and creating a Mansard roofline. The Applicant also proposes to add a deck to the second and third stories in the rear. These decks will be built on top of an existing rear addition.

**FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1):**

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §4.4.1 of the SZO. This section of the report goes through §4.4.1 in detail.

1. Information Supplied:

- The Board finds that the information provided by the Applicant conforms to the requirements of §4.4.1 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permit.

2. Compliance with Standards: The Applicant must comply "with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit."

- Alterations to 3-story structures (a Mansard of this nature is considered a 3-story structure by Somerville zoning and the Planning Department) automatically require a Special Permit. Staff finds that the information provided by the Applicant is sufficient to conduct a comprehensive analysis of the proposed project.

Section 4.4.1 states that Lawfully existing nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5. The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character.

- The structure at 120 Central is a legally-existing 3-story structure in an RA district. It is also a legally-existing 3 family conversion. In considering a special permit under §4.4 of the SZO, Staff finds that the alterations proposed to this building would not be substantially more detrimental to the neighborhood than those present on the existing structure.
- The addition of the rear porches is consistent with other similar structures in the surrounding neighborhood.
- The raising of the roofline on the existing rear addition and creating a Mansard roofline will make the rear addition more harmonious with the architectural lines of the existing structure.

3. Consistency with Purposes: The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."



- The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promoting the health, safety, and welfare of the inhabitants of the City of Somerville; to secure safety from fire, panic and other dangers; to encourage the most appropriate use of land throughout the City; and to encourage housing for persons of all income levels.
  - The proposal is consistent with the purpose of the district.
4. Site and Area Compatibility: The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."
- The surrounding neighborhood is a mix of two and three-family houses. The property is directly across the street from the large, Rogers Foam industrial building.
  - There are few to no impacts from the proposal. The proposed changes are compatible with the use, form, and massing of other structures in the area. The addition of the two rear decks are consistent with the neighborhood and provide two of the units with additional outdoor space. The reconstruction of the rear addition roofline to form a Mansard roof provides more living space for the 3<sup>rd</sup> story unit. This alteration also provides a better architectural link between the original front Mansard portion of the structure and the rear addition.
5. Housing Impact: Will not create adverse impacts on the stock of existing affordable housing.
- The proposal will not add to the existing stock of affordable housing.
6. SomerVision Plan: Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.
- The proposal will not contribute to the metrics of SomerVision but allow the property owner to make some modifications the property.

**DECISION:**

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Elaine Severino and Josh Safdie. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit. Elaine Severino seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is to construct two rear decks and add a Mansard roof to the rear addition.	BP/CO	ISD/ Plng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>March 1, 2016</td><td>Initial application submitted to Planning Department</td></tr><tr><td>April 5, 2016</td><td>Modified plans submitted OSPCD</td></tr></table>				Date (Stamp Date)	Submission	March 1, 2016	Initial application submitted to Planning Department	April 5, 2016	Modified plans submitted OSPCD
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	March 1, 2016				Initial application submitted to Planning Department					
April 5, 2016	Modified plans submitted OSPCD									
Any changes to the approved plan that are not <i>de minimis</i> must receive SPGA approval.										
Construction Impacts										
2	The Applicant shall, at his expense, replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc.) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	CO	DPW							
3	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P							
Miscellaneous										
4	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well-kept and in good and safe working order.	Cont.	ISD							
5	The property shall never house more than 3 residential units.									
Public Safety										
6	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP							
Final Sign-Off										



7	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.	
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Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*  
Richard Rossetti, *Clerk*  
Danielle Evans  
Elaine Severino  
Josh Safdie

Attest, by the Administrative Assistant:

\_\_\_\_\_  
Dawn M. Pereira

Copies of this decision are filed in the Somerville City Clerk's office.  
Copies of all plans referred to in this decision and a detailed record of the SPGA proceedings are filed in the Somerville Planning Dept.

**CLERK'S CERTIFICATE**

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 3.2.10.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on \_\_\_\_\_ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

\_\_\_\_\_ there have been no appeals filed in the Office of the City Clerk, or  
\_\_\_\_\_ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

\_\_\_\_\_ there have been no appeals filed in the Office of the City Clerk, or



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\_\_\_\_\_ there has been an appeal filed.

Signed \_\_\_\_\_ City Clerk Date \_\_\_\_\_

